

Serial No. 10/822,120

Docket No. 117-P-1345USD2

Remarks

Claims 1, 31 and 36 have been amended to recite a two-part "curable" composition, and claims 11 and 32 have been amended to recite a "thermally" curable composition, antecedent basis therefor being found in the application at, e.g., page 5, line 24. Claims 10 and 35 have been editorially amended. Following entry of this amendment, claims 1-19 and 31-40 will be pending in this application.

Rejection of Claims 1-19 and 31-40 under 35 U.S.C. §102(b)

Claims 1-19 and 31-40 were rejected under 35 U.S.C. §102(b) as being anticipated by Published PCT Application No. WO 98/11168 (Hamrock et al.), on grounds *inter alia* that "All limitations of the claimed invention are either disclosed or inherent in the above reference". Applicants respectfully disagree. Hamrock et al. describe a vinyl floor coating system that may employ a primer coating (which solely for purposes of discussion could be referred to as an "intermediate coating") and a 100% solids one-part radiation curable overcoat. The overcoat is made by combining a specially formulated polyfunctional isocyanurate monomer, a second monomer and a photoinitiator (see e.g., page 16, lines 26-28). The photoinitiator is chosen based in part on shelf life stability considerations (see e.g., page 14, line 17) and inhibitors may be added for prolonged storage (see e.g., page 17, lines 23-24). Hamrock et al.'s 100% solids one-part radiation curable overcoat is not a "two-part curable composition" as recited in claims 1-19 and 31-40. Those skilled in the art will appreciate that two-part curable compositions cure shortly after the two parts are mixed together, and that a one-part radiation curable composition does not ordinarily cure until the composition is exposed to light or other photocuring energy. Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-19 and 31-40 as being anticipated by Hamrock et al.

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Rejection of claims 1-5, 7, 9-12, 15, 16, 18, 19 and 31-38 under 35 U.S.C. §102(b)

Claims 1-5, 7, 9-12, 15, 16, 18, 19 and 31-38 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,421,782 (Bolgiano et al.), on grounds *inter alia* that “Bolgiano et al. disclose flooring materials and a process for making such flooring materials whereby a substrate (corresponding to the intermediate coating of the claimed invention) is treated with a solution comprising water, acrylic acid and a surfactant (corresponding to the topcoat of the claimed invention and meeting the limitations that the topcoat is UV curable and comprises an acrylate)” (emphasis in original). Applicants respectfully disagree. Bolgiano et al. describe a factory process for coating vinyl flooring tiles. A radiation-curable first layer (which solely for purposes of discussion could be referred to as an “intermediate coating”) is applied to the tiles followed by a second layer containing water, acrylic acid and a surfactant. Bolgiano et al.’s second layer is not a two-part curable composition, and moreover Bolgiano et al.’s second layer would be *more* strippable than Bolgiano et al.’s intermediate coating. Bolgiano et al.’s second layer contains no initiator. If coated by itself, it would not cure and would easily be stripped. Bolgiano et al.’s first layer is nonaqueous (see, e.g., col. 6, lines 11 and 53), is applied and cured using factory-type coating conditions in which the moving coated tiles are passed under medium pressure mercury lamps (see e.g., col. 5, lines 46-53), is not said to be strippable, and would be expected by a person skilled in the art to be very difficult to strip. Bolgiano et al. do not show and actually teach away from applicants’ claimed coated substrate and method. Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-5, 7, 9-12, 15, 16, 18, 19 and 31-38 as being anticipated by Bolgiano et al.

Conclusion

Hamrock et al.’s 100% solids radiation curable overcoat is not a two-part curable composition and does not anticipate claims 1-19 and 31-40. Bolgiano et al.’s second layer is not a two-part curable composition, would be *more* strippable than Bolgiano et al.’s intermediate coating and does not anticipate claims 1-5, 7, 9-12, 15, 16, 18, 19 and 31-38.

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Withdrawal of the rejections and passage of the application to the issue branch are requested. The Examiner is encouraged to telephone the undersigned attorney at 612-331-7412 to discuss any unresolved questions regarding this application.

January 4, 2005

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